

# **EXHIBIT 6**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

<b>ePLUS, INC.,</b>	)
	)
<b>Plaintiff,</b>	) <b>Civil Action No. 3:09-CV-620 (REP)</b>
	)
<b>v.</b>	)
	)
<b>LAWSON SOFTWARE, INC.,</b>	)
	)
	)
<b>Defendant.</b>	)

**SUPPLEMENTAL EXPERT REPORT OF  
BROOKS L. HILLIARD RELATING TO PATENT VALIDITY**

be a “work in progress,” suggesting that it was not intended to be and, in fact, would not have been sold to customers as demonstrated. *Id.* at 68:14-17.

23. Because much of the hardware, operating systems, and other middleware used as part of the “recreated” Lawson legacy demonstration systems was of post-1994 vintage, the demonstration systems included functionality that could not be confirmed to have been available prior to August 1994, and undoubtedly was not. For example, even though Mr. Hvass used a computer mouse to navigate the demonstrations during his deposition, he conceded that a mouse would not have been operable with Release 5.0 using an earlier version of the Lawson Interface Desktop software. Hvass Dep. at 185:16-20.

24. Despite Lawson’s reliance on current day, post- August 1994 technology to run the demonstrations, my opinion in my Initial Report remains unchanged. The alleged Lawson Version 5.0 and 6.0 systems fail to satisfy the “means for searching for matching items in the database” of claim 6 of the ’683 Patent and the “means for building a requisition using data relating to selected matching items and their associated source(s)” of claims 3 and 6 of the ’683 Patent.<sup>3</sup>

## **V. THE TESTIMONY OF MS. MCENENY CONFIRMS MY OPINIONS RELATING TO THE P.O. WRITER PLUS VERSION 10.0 SOFTWARE**

25. On June 10, 2010, the parties took the deposition of Ms. Laurene Fielder McEneny, one of the founders of PurchasingNet, the maker of the P.O. WriterPlus Version 10.0

---

<sup>3</sup> In fact, Mr. Hvass conceded that, with respect to Lawson Version 5.0 systems, such systems had no capability of building a requisition using data resulting from the demonstrated “search” of the item master database. Hvass Dep. at 146:11-17. Moreover, with respect to the alleged version 6.0 systems demonstrated by Mr. Hvass, such systems could not search for matching items in the item master database. Such systems allowed the user to scroll through the listing of all items to find an item the user was looking for rather than displaying a list of only the matching items. Hvass Dep. at 159:10-160:17.

**CERTIFICATE OF SERVICE**

I hereby certify that on the 21st day of June, 2010, I will serve Plaintiff ePlus, Inc.'s Supplemental Expert Report of Brooks L. Hilliard Relating To Patent Validity, on the following counsel of record as indicated:

***via electronic mail:***

Daniel McDonald, *pro hac vice*  
William D. Schultz, *pro hac vice*  
Rachel C. Hughey, *pro hac vice*  
Joshua P. Graham, *pro hac vice*  
Andrew Lagatta, *pro hac vice*  
Merchant & Gould P.C.  
3200 IDS Center  
80 South Eighth Street  
Minneapolis, MN 55402  
Telephone: (612) 332-5300  
Facsimile: (612) 332-9081  
[lawsonscrvicc@merchantgould.com](mailto:lawsonscrvicc@merchantgould.com)

Robert A. Angle (VSB# 37691)  
Dabney J. Carr, IV (VSB #28679)  
Troutman Sanders LLP  
P.O. Box 1122  
Richmond, VA 23218-1122  
Telephone: (804) 697-1238  
Facsimile: (804) 698-5119  
[robert.angle@troutmansanders.com](mailto:robert.angle@troutmansanders.com)  
[dabney.carr@troutmansanders.com](mailto:dabney.carr@troutmansanders.com)

*Counsel for Defendant Lawson Software, Inc.*



Shakiva Wade, IP Paralegal